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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,420	06/24/2005	Steven Anthony Barron	PA030002	4190

7590 12/22/2010  
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EXAMINER
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CHOWDHURY, NIGAR

ART UNIT	PAPER NUMBER
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2484

MAIL DATE	DELIVERY MODE
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12/22/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/540,420	<b>Applicant(s)</b> BARRON ET AL.	
	<b>Examiner</b> NIGAR CHOWDHURY	<b>Art Unit</b> 2484	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on 09/01/2010 have been fully considered but they are not persuasive.
2. In re pages 6-8, applicant argues that Emura describes a television program recording reservation system wherein when a television program recording reservation for a desired television program newly input by the viewer overlaps with a registered recording reservation for a specific television program, television program schedule information that was previously received and stored by the system is searched for a rebroadcast television program having the same contents as those of the desired television program. If such a rebroadcast program is found, a recording reservation for the rebroadcast program is produced and registered on condition that the recording reservation does not overlap with any of the registered television program recording reservations but Emura fails to disclose a method comprising extracting, during recording of a video program, additional information from the video signal of the video program, the additional information being received simultaneously with the video program and containing specified information regarding said video program, as recited in claim 1.

In response, the examiner respectfully disagrees. Emura discloses from col. 4 lines 36-47 that "...a recording reservation is performed for a television program "drama" P1 planned to broadcast just after another television program "baseball game" P2. ...where a broadcasting time of the television program "baseball game" P2 is

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prolonged by 30 minutes, the television program schedule information I1 is renewed, a recording time .....in recording reservation is automatically delayed by 30 minutes according to the renewed television program schedule information I1....." and col. 14 lines 25-col. 15 lines 8 that ".....television program schedule information storing unit....to renew the television program schedule information....stored in the storing unit.....schedule information I1i is updated television program schedule information I1 in cases where the input television program schedule I1i differs from the television program schedule information....controlling the television program recording unit....to record the television program in the recording medium....according to each television program recording reservation registered in the storing unit....", and col. 19 lines 42-65 that "....program recording reservation for a first television program "drama" of a broadcasting time.....and second .....program "music"....the first and second television program recording reservations do not overlap with each other .....program "baseball" broadcasted just before the first television program is prolonged by 30 minutes, the television program schedule information I1 stored in the storing unit 16 is renewed.....a broadcasting time of the first television program is delayed by 30 minutes, and broadcasting time of the first television program overlaps with a broadcasting time of the second television program.....rebroadcast television program "drama" having the same contents as those of the first television program do not overlap with that of the second television program....."

Emura discloses receiving unit to receive video signal S1, composed of video program S2 and additional information I1i. Demultiplexing unit demultiplexes the video

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signal S1 into a video program S2 and additional information I1i. Emura further discloses extracting of additional information I1i from demultiplexing unit 102 of fig. 7 as updated television program schedule information in cases where the input television program schedule information differs from the television program schedule information I1. For example, a television program drama is planned to broadcast just after a baseball game. When the baseball game is prolonged by 30 minutes, the television program schedule information I1 is renewed and recording time is extended by 30 more minutes during continue watching baseball game and recording reservation for program drama is automatically changed to another time to rebroadcast television program drama. Therefore, Emura teaches the limitation of extracting of additional information by additional information I1i from demultiplexer unit during recording of video program S2, the additional information being received simultaneously with the video program by the additional information (I1i) and the video program S2 which is receiving through the receiving unit 101 and the additional information I1i containing specific information (i. e. schedule information of a program) regarding video program.

3. In re pages 9-10, applicant argues that difference between the claimed invention and the system of Emura is the claimed invention does not rely on or require EPG, whereas the system of Emura is based on EPG.

In response, the examiner respectfully disagrees. The added limitation "wherein an electronic program guide service is not used" is not clear in the claim limitation, is not clear when "service" is being using. "service" can be use in the method or after processing of method. Emura discloses schedule managing unit which renews stored

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television program information based on the reception of differing input television program schedule information and then changes television program recording reservation accordingly. After recording of a program, Emura does not need to use EPG. Therefore, we can consider the amended limitation is being using after recording a program.

4. Claims 2-4 and 7, 10-12 are rejected for the same reason as discussed in the corresponding paragraph 2 above.

5. Claims 5, 6, 8, 9 are rejected for the same reason as discussed in the corresponding paragraph 2 above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 4, 7, 10, 12 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,344,878 by Emura.

7. Regarding **claim 1**, method for adding information to a timer for a video recording device, wherein timer specifies details necessary to record a video program and wherein an electronic program guide service is not used, comprising

- recording a video program due to a recurring timer, wherein the recurring timer has an associated information item having a default value indicating an undefined condition before recording (col. 2 lines 35-49, col. 14 lines 25-col. 15 lines 8);
- extracting, during recording, additional information from the video signal of the video program, the additional information being received simultaneously with the video program (col. 14 lines 25-col. 15 lines 8, col. 26 lines 24-30);
- detecting if additional information contains a specified information regarding video program (fig. 3, col. 4 lines 36-47, fig. 11, col. 19 lines 42-col. 20 lines 10);
- extracting specified information from additional information (fig. 3, col. 4 lines 36-47, fig. 11, col. 19 lines 42-col. 20 lines 10);
- replacing default value of the associated information item with specified information (fig. 3, col. 4 lines 36-47, fig. 11, col. 19 lines 42-col. 20 lines 10); and
- displaying the recurring timer with associated information item (fig. 3, col. 4 lines 36-47, fig. 11, col. 19 lines 42-col. 20 lines 10).

8. Regarding **claim 2**, method wherein specified information is the program title of the video program being recorded, and said default value is a default character string (fig. 11).

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9. Regarding **claim 4**, method wherein default value is replaced with specified information for all instances of recurring timer (col. 14 lines 25-col. 15 lines 8, col. 26 lines 24-30).

10. **Claim 7** is rejected for the same reason as discussed in the corresponding claim 1 above.

11. **Claim 10** is rejected for the same reason as discussed in the corresponding claim 2 above.

12. **Claim 12** is rejected for the same reason as discussed in the corresponding claim 4 above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5-6, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US by Emura in view of US 5,872,588 by Aras et al.

14. Regarding **claim 5**, Emura discloses an additional information but fails to disclose method wherein additional information is extracted from a vertical blanking interval of an analogue video signal.

Aras discloses method wherein additional information is extracted from a vertical blanking interval of an analogue video signal (col. 13 lines 25-33).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Emura's system to include a vertical blanking interval, as taught by Aras, to extract additional information from analog video signal.

15. **Claim 6** is rejected for the same reason as discussed in the corresponding claim 5 above.

16. **Claim 8** is rejected for the same reason as discussed in the corresponding claim 5 above.

17. **Claim 9** is rejected for the same reason as discussed in the corresponding claim 5 above.

18. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,344,878 by Emura.

19. Regarding **claim 13**, Emura discloses specified information of the video program being recorded but fails to disclose specified information is the program type.

It is noted that the use of program type is old and well-known in the recording art. Therefore, official notice is taken. Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have well-known program

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type in specified information to provide more flexibility to a user to record type of the program during recording, which will be easy to retrieve by looking at the program type.

20. **Claim 14** is rejected for the same reason as discussed in the corresponding claim 13 above

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US 7,433,575

2) US 7,366,403

3) US 2005/0223409

4) US 7,206,502

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC  
12/17/2010

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2484